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Docket No.: W1878.0162/P162  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kunihiko Higashi

RECEIVED

OCT 21 2004

Application No.: 09/628,829

Art Unit: 2681 Technology Center 2600

Filed: July 31, 2000

Examiner: T. M. Davis

For: DATA PROCESSING DEVICE AND  
METHOD OF CONTROLLING  
OPERATION OF DATA PROCESSING  
DEVICE

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated June 16, 2004 (Paper No. 7), please amend the above-identified U.S. patent application as follows:

Remarks/Arguments begin on page 3 of this paper.

**FEE CALCULATION**

Any additional fee required has been calculated as follows:

\_\_\_ If checked, Small Entity status is claimed

|   | No. Claims<br>After<br>Amendment |       | Highest<br>No.<br>Previously<br>Paid For |   | Extra<br>Present |   | Rate  | Additional<br>Fee |
|---|----------------------------------|-------|--|---|------------------|---|-------|-------------------|
| Total   | 13                               | MINUS | 20**                                     | = | 0                | X | 18.00 | \$0.00            |
| Indep.  | 2                                | MINUS | 3*                                       | = | 0                | X | 88.00 | \$0.00            |
| First presentation of multiple dependent claim(s) |                                  |       |  |   |                  | X |       | \$                |
| TOTAL   |                                  |       |  |   |                  |   |       | \$0.00            |

\* not less than 20

\*\* not less than 3

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

**CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 50-2215.